

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JOHN K. WARNER,

Plaintiff,

v.

CASE NO. 1:16-01307-CV  
HON. JANET T. NEFF

COUNTY OF MUSKEGON AND  
MARK EISENBARTH, BENJAMIN E. CROSS,  
SUSIE HUGHES, ROBERT SCOLNIK,  
MARVIN R. ENGLE, CHARLES NASH,  
JEFF LOHMAN, TERRY J. SABO, AND  
KENNETH MAHONEY, all in their  
individual capacities, and the  
MUSKEGON COUNTY BOARD OF  
COMMISSIONERS,

**Defendants' Motion for  
Extension of Time to File  
Responsive Pleading**

Defendants.

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**DEFENDANTS' MOTION FOR**  
**EXTENSION OF TIME TO FILE RESPONSIVE PLEADING**

Defendants Benjamin E. Cross, Susie Hughes, Robert Scolnik, Marvin R.

Engle, Charles Nash, Jeff Lohman, Terry J. Sabo, and Kenneth Mahoney request an extension of time to file a dispositive motion pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6), and in support state:

1. These Defendants intend to file a motion to dismiss the Complaint against them pursuant to Rules 12(b)(1) and 12(b)(6) in lieu of filing an Answer.

2. In accordance with this Court's Practice Guidelines, these Defendants have also filed a Pre-Motion Conference Request relating to their intended dispositive motion, which was submitted contemporaneously herewith.

3. To allow for the pre-motion conference to be scheduled and take place, these Defendants respectfully request that the Court grant it additional time within which to file their dispositive motion for a date after the pre-motion conference.

WHEREFORE, these Defendants respectfully request an extension of time to file a responsive pleading.

JOHNSON, ROSATI,  
SCHULTZ & JOPPICH, P.C.

/s/ Laura Bailey Brown  
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Date: December 28, 2016

### PROOF OF SERVICE

The undersigned certifies that the foregoing was served upon all parties to the above cause to each of the attorneys/parties of record herein at their respective addresses disclosed on the pleadings on December 28, 2016.

BY: ☐ U.S. Mail ☐ Telefacsimile  
☐ Hand Delivered ☐ Overnight  
courier  
☐ Federal Express ☒ Other: ***E-file***

Signature: s/ Lori A. Gazdag